

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

REQUEST FOR A BILL OF
PARTICULARS

_____-against-

07 CR 3 (BSJ)

BOBBY SAUNDERS, et. al.

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The defendant, WALTER MALONE, A/K/A DEMETRI YOUNG, hereby requests pursuant to Rule 7(f) F.R.Cr.P., that the government provide the defendant with the following particulars:

1. The time, date and place of each occasion on which the defendant is alleged to have sold any controlled substance.
2. Provide the type of controlled substance that the defendant allegedly sold.
3. The time, date and place of all other acts allegedly committed by the defendant which the government contends occurred during the course of or in furtherance of the conspiracy charged in the indictment.

Dated: New York, New York
July , 2007

Yours, etc.

To: Clerk of the Court (BSJ)
Southern District of New York

AUSA Elizabeth Maringer
AUSA Michael Q. English

Mitchell Dinnerstein, Esq.
Counsel for Walter Malone
350 Broadway
Suite 700
New York, New York 10013
212-925-0793

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

AFFIRMATION

-against-

07 CR 3 (BSJ)

BOBBY SAUNDERS, et. al.

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MITCHELL DINNERSTEIN, Esq., being an attorney admitted to practice law in this Court and in the courts of the State of New York, hereby affirms as follows:

1. I am the counsel for WALTER MALONE, a/k/a DEMETRI YOUNG, defendant in the above-captioned matter.
2. This affirmation is submitted in support of defendant's application pursuant to Rule 7(f), F.R. Cr. P. for the government to provide a bill of particulars.
3. The instant indictment contains one count (Count 4) that alleges that the defendant, along with twenty-one others, and others known and unknown, would and did distribute and possess with intent to distribute controlled substances, to wit, 50 grams or more of a cocaine base, commonly known as "crack", 5 kilograms or more of cocaine and 1000 kilograms or more of marijuana. The other three counts in the indictment do not pertain to or mention the

defendant. The conspiracy is alleged to have covered an eight year period from at least 1999 to about 2007.

4. The defendant is charged with one overt act charged with selling an unspecified “controlled substance” on or about December 9, 2006. See Count 4, paragraph 9 (subd. p)

5. The government has provided certain discovery including surveillance, photos, audio and video tapes. Nothing in the discovery provided is there any indication that the defendant was involved in any illegal activity.

6. On July 9, 2007, I had a telephone conversation with the Assistant United States Attorney, Michael English about providing more specificity regarding other acts allegedly committed by the defendant that the Government claimed were part of this alleged eight year conspiracy. Mr. English did not provide any additional information that would provide the defendant with specific information of the defendant’s alleged conduct in this broadly expansive conspiracy indictment.

7. Because neither the indictment nor any of the discovery so far provided by the Government describes the time, place or dates when the defendant is said to have committed the alleged crimes, a bill of particulars is necessary in order to prevent the trial of this matter from being one of unfair surprise.

8. Accordingly, the defendant respectfully requests that the Court issue an Order requiring the Government to disclose the requested information.

WHEREFORE, the defendant respectfully requests the relief sought in the annexed Request for a Bill of Particulars.

Dated: New York, New York
July 10, 2007

Yours, etc.

To: Clerk of the Court (BSJ)
Southern District of New York

~~Mitch Dinnerstein~~

Mitchell Dinnerstein, Esq.
Counsel for Walter Malone

AUSA Elizabeth Maringer
AUSA Michael Q. English